



Doreen B. Boxer
Public Defender

Mission Statement

The Public Defender protects the constitutional rights of indigent defendants by providing skilled legal counsel and passionate advocacy at all critical phases of state level criminal and civil commitment litigation.



GOALS

REDUCE BACKLOG OF OLD CASES

REDUCE CASELOAD OR WORKLOAD PER STAFF MEMBER

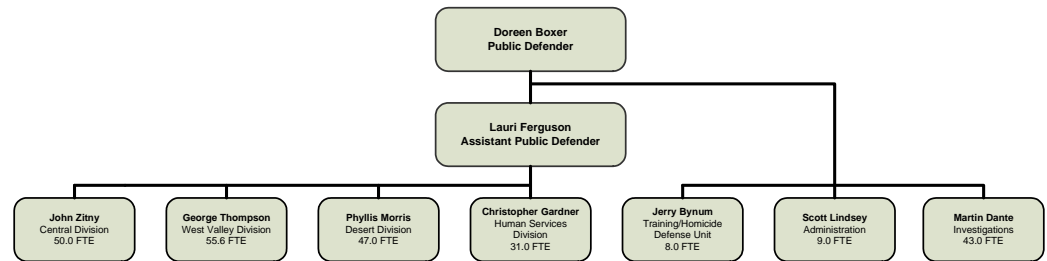
PROVIDE CONSTITUTIONALLY MANDATED REPRESENTATION AT ALL CRITICAL PHASES OF CRIMINAL LITIGATION



Public Defender Investigator interviewing witness in court hallway.

PUBLIC DEFENDER

ORGANIZATIONAL CHART



DESCRIPTION OF MAJOR SERVICES

The Public Defender represents indigent clients in misdemeanor, felony, juvenile delinquency, and mental health civil commitment cases. The Public Defender's Office plays a key role in the timely administration of justice by providing constitutionally mandated legal services to indigent clients at critical stages of the proceedings. Services provided by the Public Defender include investigating the underlying facts and circumstances of each case, performing legal research, writing briefs and writs, counseling clients regarding their legal rights and applicable procedures, negotiating with prosecuting authorities, filing and litigating pre-trial motions, and conducting bench and jury trials.

2007-08 SUMMARY OF BUDGET UNITS

	<u>Appropriation</u>	<u>Revenue</u>	<u>Local Cost</u>	<u>Staffing</u>
<u>General Fund</u>				
Public Defender	33,823,747	1,400,000	32,423,747	252.6



San Bernardino County Board of Supervisors presenting the Law Day 2007 Resolution to the Public Defender and representatives of the San Bernardino County Bar Association.



Sponsored by Sate Senator Gloria Negrete McLeod, the Public Defender received a Senate Proclamation recognizing the department's important work.

GOALS, OBJECTIVES, AND PERFORMANCE MEASURES

GOAL 1: REDUCE BACKLOG OF OLD CASES

Objective A: Increase early resolution of cases thus minimizing custody time (and attendant costs to the client and county).

Objective B: Decrease active caseloads so lawyers can concentrate on the more difficult cases, thus improving the caliber of representation, while at the same time increasing customer service.

MEASUREMENT	2005-06 Actual	2006-07 Actual	2007-08 Target	2007-08 Estimate	2008-09 Target
1A. Percentage of "old cases" – defined as more than 180 days in felonies	6.15%	6.11%	5.21%	5.78%	5.47%
1B. Percentage of "old cases" – defined as more than 120 days in misdemeanors	9.22%	5.85%	4.98%	4.91%	4.66%

Status

Active caseloads have not decreased despite the department's efforts as case filings have outpaced staff increases.

The 2008-09 objectives seek to assist the department in achieving the goal of reducing the number of felonies that reach 180 days before disposition and the number of misdemeanors that reach 120 days before disposition.

GOAL 2: REDUCE CASELOAD OR WORKLOAD PER STAFF MEMBER

Objective A: Reduce caseloads for attorney staff members.

Objective B: Reduce caseloads and workloads for investigator staff members.

Objective C: Reduce workload for clerical staff members.

MEASUREMENT	2005-06 Actual	2006-07 Actual	2007-08 Target	2007-08 Estimate	2008-09 Target
2A. Supervising attorney staff caseload (2006-07 baseline 5,679)	N/A	N/A	New	5,262	5,559
2B. Attorney staff caseload (2006-07 baseline 560)	N/A	N/A	New	499	527
2C. Supervising Investigator caseload (2006-07 baseline 19,228)	N/A	N/A	New	14,470	15,288
2D. Investigator staff caseload (2006-07 baseline 2,404)	N/A	N/A	New	1,809	1,911
2E. Clerical staff caseload (2006-07 baseline 1,177)	N/A	N/A	New	1,122	1,185

Status

This is a new goal for 2008-09. The American criminal justice system is adversarial, not inquisitorial, and is based upon the guarantee of due process to the parties. Effective legal representation for the parties on each side is fundamental; moreover, systemic inequality results in delay, concomitant costs to the county as well as convictions of innocent people. Where there is a wrongly convicted defendant, a truly guilty person remains at liberty unhindered. In all of this county's criminal cases, the plaintiff party is represented by the District Attorney; and in 75% of the county's criminal cases, the defendant party is represented by the Public Defender. Accordingly, the workload of the

2006-07 ACCOMPLISHMENTS

- ❖ Initiated Arraignment Program
- ❖ Law Clerk Program
- ❖ Law Day 2007
- ❖ New Attorney Training Program
- ❖ Supervisor Training Program
- ❖ Investigator Training Program
- ❖ Office Wide Annual Meeting
- ❖ Management Roundtable
- ❖ Speaker's Bureau
- ❖ Restructured Bureau of Investigation



Trial attorney examining a witness.



Community Outreach



Public Defender Investigators

litigating Deputy District Attorneys and Deputy Public Defenders need to be in balance to ensure a properly functioning judicial system.

Additionally, our department's attorney workload dwarfs those in other geographically contiguous public defender offices: San Bernardino – 560; Orange – 352; and Riverside – 335. Like Riverside and Orange Deputy Public Defenders, the San Bernardino County Deputy District Attorneys carry approximately 352 cases.

To facilitate a more reasonable caseload and to achieve balance in the county's criminal justice system, the department is submitting a Policy Item Request for an additional 48 Deputy Public Defender positions, 6 Supervising Deputy Public Defenders, 2 Supervising Investigators, 14 Investigators and 20 Office Assistant III's. This requested additional staff will help relieve excessive workloads, facilitate efficient case processing, prevent wrongful convictions and assist the department in achieving its goal of reducing the number of "old" felony and misdemeanor cases.

Our supervising investigators are responsible for management and non-management level administrative duties. Roughly 38% of Supervising Investigators' workload is comprised of duties that could be properly delegated to non-management level staff. Relieved of non-management level administrative duties, the supervising investigators would be able to focus on management level duties. To relieve Supervising Investigators of non-management administrative duties, we are requesting the county create the position of Investigator II. Consistent with Public Defender offices in other California counties including Orange, Los Angeles, Kern, San Diego and Riverside an Investigator II would be responsible for case assignments, field training and working high-level, sensitive cases including those assigned to the Homicide Defense Unit. It is the intention of the department to re-classify six Investigator I positions to the Investigator II-level without back-filling the Investigator I positions.

Goal #2 in 2007-08 was to increase training in all classifications. The department placed a great deal of focus on this issue throughout the year and exceeded the stated goals. Increasing the dollars and hours spent in training is no longer necessary as the department has reached the goal of striking an optimal balance between training and job performance. This was accomplished by creating a training unit which initiated in-house evening and lunch training seminars, supervisor training, and New Deputy Public Defender training classes. As a result, the goal is being removed from the Business Plan.

GOAL 3: PROVIDE CONSTITUTIONALLY MANDATED REPRESENTATION AT ALL CRITICAL PHASES OF CRIMINAL LITIGATION

Objective A: Staff Video Arraignments.

Objective B: Staff In-Court Arraignments.

MEASUREMENT	2005-06 Actual	2006-07 Actual	2007-08 Target	2007-08 Estimate	2008-09 Target
3A. Staff Video Arraignments	N/A	2,780	10,000	16,107	17,017
3B. Staff In-Court Arraignments	N/A	12,601	10,000	18,090	19,112

Status

Supporting the department's Goal to provide representation at all critical phases of criminal litigation, in 2006-07 the Board of Supervisors granted the Public Defender two attorneys and one clerical position to help to launch the department's new arraignment program. This program has been very successful and is expected to result in over twice as many arraignments in 2007-08 as compared to 2006-07. Most importantly, the program has resulted in capturing the department's cases up to 10 days earlier than before the program was launched – a significant improvement in customer service. Measure 3B is revised from percentage to using the actual in-court arraignment numbers. It is the department's belief that demonstrating the actual number of in-court arraignment will provide a clearer depiction of the department's accomplishments.

Goal #3 in 2007-08 was to reduce the number of declared conflicts. This goal was put in place to address a previously adopted practice of the Public Defender's Office that resulted in increased costs to the county. The practice has been cured and declared conflicts from this point forward are as the result of client or court action over which the Public Defender's Office has no control. As a result, the goal is being removed from the Business Plan.

2007-08 Business Plan Goals Met & Removed

Goal #4 in 2007-08 was to reduce the number of cases from which the Public Defender's Office is relieved. The department reduced this issue by 95% in 2006-07, thus achieving and exceeding the goals put in place years ahead of time. Further reduction in this area is not under the control of the Public Defender's Office but at the sole discretion of the court. As a result, the goal is being removed from the Business Plan.

APPROVED ADDITIONAL GENERAL FUND FINANCING (POLICY ITEMS)

Brief Description of Policy Item	Budgeted Staffing	Appropriation	Dept. Revenue	Local Cost
2006-07				
1. Office Support Staff for the Barstow Office	1.0	46,084	-	46,084
2. Writs and Appeals/Training Unit	2.0	230,232	-	230,232
3. Arraignment Staffing	3.0	404,715	-	404,715
4. Central Division Attorneys	2.0	350,026	-	350,026
5. Juvenile Division Attorneys	2.0	350,026	-	350,026
6. Conversion of two extra help positions to regular positions	2.0	83,402	-	83,402
7. Addition of one Supervising Attorney	1.0	187,854	-	187,854
8. Addition of three Investigators	3.0	335,313	-	335,313
2007-08				
1. Design, purchase new case management system, obtain staff to design & support	7.0	576,075	-	576,075
2. Obtain personnel to ensure fair caseloads	7.0	830,741	-	830,741
3. Obtain additional office space in Victorville and Fontana	-	299,400	-	299,400

MEASUREMENT		2005-06 Actual	2006-07 Actual	2007-08 Target	2007-08 Estimate	2008-09 Target
2006-07						
P1.	Percentage reduction of cases the Barstow office is relieved of after appointment (46 cases in 2005-06)	N/A	84.8%	100%	100%	0%
P2a.P4-P7a.P8.	Percentage reduction of cases the department is relieved of after appointment (681 in 2005-06)	N/A	9.25%	10%	41%	-37.36%
P2b.P7b.	Percentage increase of training hours in all classifications (1,840 hours in 2005-06)	N/A	1%	2%	17%	0%
P3a.	Average caseload per attorney	N/A	560	525	499	373
P3b.	Number of video arraignments	N/A	2,780	10,000	16,107	17,017
2007-08						
P1.	Design, purchase, and implement a comprehensive case management system	N/A	5%	75%	75%	100%
P2.	Hire additional staff to reduce workloads and increase arraignment staffing	N/A	221.0	262.0	252.6	356.0
P3.	Obtain additional office space in Victorville and Fontana (sq. ft.)	9,300	9,300	14,250	14,250	14,250

Status for 2006-07 Policy Items

The Policy Items granted in the 2006-07 budget have helped to achieve the targeted performance measures.

Policy Item Measurement P1 sought to reduce the number of cases from which the Barstow office was relieved after appointment that were caused by poor customer service due to insufficient office staffing. In 2005-2006 the Barstow office was relieved of 46 cases, at least in part because of insufficient office staffing. With the additional staff members granted in the 2006-07 budget, the department reduced that number to seven and has zero thus far in 2007-08.

Policy Item Measurements P2a, P4, P5, P6, P7a and P8 have all been achieved or exceeded. These Measurements sought to reduce the percentage of cases from which the department is relieved after appointment either countywide or in specified divisions. The 2008-09 target is a negative figure because the department expects a 12% increase in overall caseload.

Performance Measures P3a and P3b have been exceeded. Unfortunately, because the District Attorney will not staff arraignments, this department will be unable to achieve large success in P3a – reducing the average caseload per attorney through staffing arraignments. The District Attorney's decision not to staff arraignments was made after this department set this as an additional measurement for the affected policy items. The 2007-08 target for measure P3a is revised to reflect a lower number from previous 2007-08 target due to the addition of deputy public defenders during the current budget year.

The department also achieved the targeted performance measurements for P2b and P7b by using the additional staff to create a training department that has conducted training for all staff. Examples of the staff training include: New Deputy Training (several days of this course include all classifications of attorney, investigator, administration and clerical staff), supervisor training, monthly lunchtime "Roadshows" and monthly evening seminars. In addition to handouts at lectures and programs, the training department issues written educational materials on a weekly basis to keep attorney staff updated on new law affecting the department's clients.

Status for 2007-08 Policy Items

The Policy Items granted in the 2007-08 Budget have helped to achieve the remaining targeted performance measures. For the 2007-08 Business Plan and budget the department chose the objectives for requested policy items because together they constitute the most essential bases on which to achieve the department's mission: to protect the constitutional rights of indigent defendants by providing skilled legal counsel and passionate advocacy at all critical phases of state level criminal and civil commitment litigation.

In the immediate future, the department faces many important challenges from issues that are determined by community events or by decisions made in other agencies. Examples of these challenges include: additional criminal courtrooms in the county; the increasing number of complex cases filed; legislation to increase punishment for criminal behavior; new laws regarding the admissibility of evidence; the Sexually Violent Predator law; and Proposition 83 (Jessica's Law).

Population growth is also an ongoing challenge since increases in populace represent increases in the demand for county services. Further, the physical size of the county presents logistical problems in investigating crimes, interviewing clients and transporting witnesses and evidence to court. The department will continue to monitor staffing and space requirements to maintain high quality services during this growth period.

P1 incorporated two of the department's urgent needs. The first request is a new case management system that will provide accurate data for county and staff planning as well as assist staff to process their workload by automating a large number of staff functions including case creation, communications between staff, motion writing, and case organization. The new case management system will incorporate updated technology-enabling bar code usage and multi-department coordination to reduce necessary keystrokes and enhance staff efficiency. Such a system is expected to cost approximately \$800,000 to implement (including design, implementation, training and updating) and approximately \$70,000 annually thereafter for upkeep and licensing.

P1 also granted the addition of 1.0 Automated Systems Analyst I, 1.0 Automated Systems Technician and 5.0 Supervising Office Assistants, to provide clerical supervision, implement standardized procedures, and train Office Assistants as necessary. The department is confident that with standardized procedures in place statistical reliability will greatly increase leading to higher efficiency within the department's divisions. To date, the department has 3.0 of the Supervising Office Assistant positions filled, and is actively recruiting to fill all of the remaining positions granted under this Policy Item.

P2 requested additional staff with which the department hoped to address understaffing and excessive workloads. Extreme caseloads cause high employee turnover, which ultimately leads to increased recruitment and training costs. In 2006-07 the department handled 75% of the felony and misdemeanor cases handled by the District Attorney, with 51% of that office's budgeted trial attorneys. The department requested 2.0 Supervising Public Defenders, 18.0 additional Deputy Public Defenders, 6.0 Investigators, 1.0 Supervising Investigators, and 8.0 Office Assistant II's. For this Policy Item Request, the department received 1.0 Supervising Deputy Public Defenders, 1.0 Deputy Public Defenders and 5.0 Investigators. This goal is revised from 2006-07. Goal #2 of our plan demonstrates the workload for the varied staff in the department and measurement P2 associates the staff the department is seeking in policy items to achieve the goal.

P3 sought to address ongoing facilities issues. To date, the department has identified new leased space for each of the locations for which the CIP's were granted. It is expected that the department will move identified staff into the new location granted for the Fontana CIP by the end of November 2007. The department expects to complete moving identified staff into the new Victorville location by the end of March 2008.

2008-09 REQUESTS FOR ADDITIONAL GENERAL FUND FINANCING (POLICY ITEMS), INCLUDING NEW CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS, OR BUSINESS PROCESS IMPROVEMENT (BPI) RESERVE FUNDS

Brief Description of Policy Item, CIP, or BPI reserve funds request	Budgeted Staffing	Appropriation	Dept. Revenue	Local Cost
1. Add forty-eight (48) Deputy Public Defenders	48.0	7,719,359	-	7,719,359
The addition of 48 Deputy Public Defender positions would bring the department's budgeted positions for this classification to 164 – 75% of the budgeted attorneys at the District Attorney's Office. The Public Defender's Office handles 75% of the District Attorney's case filings so this increase in staffing would strike a fair balance in staffing.				
2. Add six (6) Supervising Deputy Public Defenders	6.0	1,202,640	-	1,202,640
The addition of 6 Supervising Deputy Public Defender positions would allow for a 1:10 ratio between supervisors and Deputy Public Defenders once the new 48 Deputy Public Defenders are added to staff. The current staffing ratio is 1:11 causing average caseload sizes per supervisor to be higher than desired.				
3. Add two (2) Supervising Public Defender Investigators	2.0	234,871	-	234,871
Adding two (2) Supervising Public Defender Investigators would maintain the current ratio of Supervising Investigators to Investigators of 8:1 after adding the fourteen (14) Public Defender Investigators requested in Policy Item #6. It would also address the goal of reducing caseload averages for the supervising investigative staff.				
4. Reclassify six (6) Investigator I positions to Investigator II's	-	45,307	-	45,307
The Public Defender's Office is requesting a new classification for an Investigator II position. An Investigator II is a journey-level classification for the Investigative Series and is in alignment with the classification of surrounding counties (Riverside, Orange, Los Angeles, San Diego, and Kern). The position would be responsible for case assignments, field training, and higher-level, sensitive investigations such as homicide.				
5. Barstow Expansion Capital Improvement Project	-	45,307	-	45,307
Continued population growth in the region has resulted in a higher caseload. The current space requires clients to wait in the hallway and staff to work in cramped conditions. Increased space will allow for better customer service while also allowing for growth to staff to handle increasing caseloads.				
6. Needles Expansion Capital Improvement Project	-	66,580	-	66,580
The current space in Needles is over-crowded. Staff is required to use workspace for conferences and no workspace is available for supervisorial visits. Clients are required to wait in the entranceway. Increased space will allow for better working conditions and customer service. It will also allow for the potential growth in the caseload should the proposed casino be built in the Needles area.				
7. Case Management System (Business Process Improvement)	-	815,558	-	815,558
A comprehensive case management system will enable attorneys to access files from the office or the courtroom. It would save clerical staff time, incorporate updated technology and enable multi-department coordination to enhance motion writing, case organization, and staff efficiency. Funding for this project was originally requested in the 2007-08 Business Plan and is being re-submitted only in case, due to the Request for Proposal process, the actual purchase has to be pushed back to 2008-09.				
8. Add one (1) Staff Analyst I position	1.0	66,731	-	66,731
The Public Defender's Office currently has an administrative staff of three to assist with over 250 budgeted staff in the department. These three staff consist of a Payroll Specialist, an Accounting Technician, and Chief of Administration. There are many projects that should be delegated to a lower level than the Chief of Administration but cannot because they are above the other classifications available.				
9. Add two (2) Storekeeper positions	2.0	69,842	-	69,842
The Public Defender's Office has fifteen (15) locations that frequently require furniture, files, and boxes to be moved and/or organized. The department also has a sizeable fleet of vehicles that require preventative maintenance. Currently, higher level staff ranging from Investigators to Attorneys handles these projects at a considerable cost to the county. Hiring Storekeepers would be much more efficient and reduce the need for temporary help.				
10. Add fourteen (14) Public Defender Investigators	14.0	1,409,544	-	1,409,544
Adding fourteen (14) Public Defender Investigators would maintain the current ratio of Investigators to Deputy Public Defenders of 1:3.5 after adding the forty-eight (48) Deputy Public Defenders request in Policy Item #4. It would also address the goal of reducing caseload averages for the investigative staff.				
11. Add twenty (20) Office Assistant III's	20.0	1,067,245	-	1,067,245
Adding twenty (20) Office Assistant III's would maintain the ratio of Office Assistant III's to Deputy Public Defenders of 1:2.4 after adding the Deputy Public Defender positions requested in Policy Item #4. It would also address the goal of reducing caseload averages for the Office Assistant III staff.				

MEASUREMENT	2005-06 Actual	2006-07 Actual	2007-08 Target	2007-08 Estimate	2008-09 Target
P1. Add forty-eight (48) Deputy Public Defenders to reduce average caseload size (499 in 2007-08)					373
P2. Add six (6) Supervising Deputy Public Defenders to reduce average caseload size (5,262 in 2007-08)					3,579
P3. Add two (2) Supervising Public Defender Investigators to reduce average caseloads (14,470 in 2007-08)					10,192
P4. Reclassify six (6) Investigator I positions to Investigator II's					6
P5. Completion of the Barstow Expansion					100%
P6. Completion of the Needles Expansion					100%
P7. Case Management System Implementation					100%
P8. Add one (1) Staff Analyst I position					1
P9. Add two (2) Storekeeper positions					2
P10. Add fourteen (14) Public Defender Investigators to reduce average caseload size (1,809 in 2007-08)					1,329
P11. Add twenty (20) Office Assistant III's to reduce average caseload size (1,122 in 2007-08)					854

2008-09 PROPOSED FEE ADJUSTMENTS

The department is not requesting any proposed fee adjustments for 2008-09.

If there are questions about this business plan, please contact Doreen Boxer, Public Defender, at (909) 382-7650.

